THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
SEPTEMBER 12, 1975, IN THE
FACULTY CONFERENCE ROOM,
SIXTH FLOOR, LISNER HALL

1 President Elliott called the meeting to order at 2:15 p.m.

Present: President Elliott, Registrar Gebhardtsbauer, Parliamentarian Schwartz, Adams, Birnbaum, Boswell, Cottrell, Fox, Griffith, Grub, Kirsch, N. Kramer, Kurtz, Lilliefors, Meltzer, Metivier for Linton, Morgan, Naeser, Pierpont, Reich, Schiff, Schmidt, Smith, Solomon, Stevenson, Tillman, Vaill, Vontress, and Wood

Absent: Provost Bright, Albert, Cassidy, C. Elliott, R. Kramer, Liebowitz, Nash, Purcell, and Sapin

2 The President asked if there were any corrections or changes to be made to the minutes of the May 2, 1975, meeting. Professor Stevenson requested that a correction be made on Page 5 in the fourth to the last line of the first partial paragraph. He asked that the "comma" be removed at the end of that line after the word "meeting." The minutes were then approved as corrected.

Professor Morgan requested that a correction be made in the Faculty Senate Membership List for the 1975-76 Session, which had been distributed recently, listing Dr. Kaufman as the ex officio representative of The Medical Center when it should have been Dean Birnbaum.

3 Under Old Business, concerning reintroduction and further consideration of Resolution 73/7, "A Resolution Approving Revisions to the Faculty Code and Ordinances," Professor Stevenson, on behalf of the Professional Ethics and Academic Freedom Committee, reported that up to this time the Senate had considered and voted every proposed change that was made to the initial revised draft of the Code and that there now remained but one significant item to be taken up and that was the revision to the procedures for hearing faculty grievances on Page 27 of Code Revision No. 2. He said it was the committee's opinion that it should await the experience of the Professional Ethics and Academic Freedom Committee as a Hearing Committee in the De Pauw matter scheduled to begin September 22nd before presenting its proposal for revising the procedures. Professor Stevenson indicated, however, that he hoped to have the committee's recommendation for changing the procedures ready for the October Senate meeting, and he asked Senate members to submit to the committee any additional suggestions they might have for changes to the procedures. Professor Stevenson said it was his understanding that the Senate would then proceed section by section to adopt officially the revision with any suggested changes. Professor Wood said that he thought the Senate had already approved a considerable portion of the revision section by section, and that he did not understand why it would be necessary to go through each section individually again but rather approve the revision as a whole eventually. Professor Morgan said it was his understanding that the document referred to as Code Revision No. 2 reflects the revisions to the original revision adopted seriatim by the Senate and that, to date, there remains to be considered the section

beginning on Page 27 entitled "1. Preliminary Proceedings." After completion of that section, Professor Morgan said he thought the Senate would then want to consider the document as a whole. Professor Griffith asked if the new proposed language contained in the draft revision had been agreed upon in detail by the Senate. Professor Morgan responded that it was generally agreed that in some cases stylistic adjustment might be in order. Professor Morgan moved that action on Senate Resolution 73/7 be postponed until the October Senate meeting, Professor Naeser seconded, and the motion passed.

4 Professor Morgan, on behalf of the Executive Committee, moved adoption of Resolution 75/5, "A Resolution to Approve the Charter of The George Washington University Residence Hall Court," and Professor Pierpont seconded. Professor Morgan said that the Executive Committee received the recommendation of the Committee on the Judicial System as required by the Judicial System Document and that, although the document does not require a recommendation by the Joint Committee of Faculty and Students on this matter, the Executive Committee took the view that it should be referred to the Joint Committee before placing it on the Senate agenda. Professor Morgan said that the Joint Committee submitted a report to the Executive Committee and that the Executive Committee took no position on the suggestions of the Joint Committee with the exception of one, and that was that the charter be referenced to the Judicial System Document before being placed on the agenda which was done. He said that the opinion of the Student Court on the charter in the form of a resolution, calling for adoption of the University Residence Hall Court Charter by the Faculty Senate, had just been received by him as Chairman of the Executive Committee and has been distributed to the Senate at this meeting. Professor Morgan advised the Senate that Mr. John Perkins, Executive Secretary to the Judicial System, and Professor Schiff, Co-Chairperson of the Joint Committee of Faculty and Students, were both present to answer any questions regarding the charter. Professor Stevenson moved to amend the language contained in Paragraph 3(a) on Page 3 of the charter by striking the word "or" and substituting the word "and" so that it would read: "3(a) Offer a defense personally and by calling witnesses." Professor Morgan seconded. The question was called and the motion carried unanimously. Professor Schiff advised the Senate that the Joint Committee's strongest recommendation for amendment to the charter was to specify a more definite time period for the rendering of decisions, and he moved to amend the second sentence of Paragraph 6 on Page 4 by adding the words "not to exceed seven days" so that the sentence would read: "The decision may be rendered at the time of the hearing or within a reasonable time thereafter not to exceed seven days." Professor Schmidt seconded the motion. Professor Griffith asked whether seven days would be a reasonable amount of time for the Court to render its decision and Mr. Perkins responded that the seven-day time period should be ample since, generally, such opinions are issued, if not on the night of the hearing, within 24 hours thereafter. Discussion followed by Professor Griffith, Mr. Perkins, and Registrar Gebhardtsbauer. The question was called and the motion carried unanimously. Professor Schiff asked why it was mandatory to appoint a student specifically from the National Law Center to act as prosecutor and whether or not there might be another alternative less restrictive. Mr. Perkins said that he thought the reason for appointing a student from the Law Center to act as prosecutor was to bring to this role somebody acquainted with the processes of law who would be able to deal with minor technical questions of law. The question was then called on the motion, as amended, which was unanimously adopted. [A copy of the charter referred to herein is on file in the Senate Office.]

Professor Morgan, on behalf of the Executive Committee, reported on the cases of Professors Linda Grant De Pauw, Margaret McIntyre, and Sharon Leigh Clark. He advised the Senate that, as Professor Stevenson indicated earlier, the case of Professor De Pauw had proceeded to the formal hearing stage scheduled to begin September 22nd. He reported

that the nonconcurrence case of then Associate Professor Margaret McIntyre had been resolved. The Executive Committee's recommendation to the Board of Trustees that Associate Professor McIntyre be promoted to the rank of professor was accepted. In the case of Associate Professor Sharon Leigh Clark, Professor Morgan informed the Senate that this case involved an alleged violation of rights and privileges under the Code and was brought to the Executive Committee during the absence of the Senate in the summer. He said the Executive Committee was unable to resolve the matter though informal consultation and, under authority of the Faculty Organization Plan, the Executive Committee elected a Special Committee, consisting of Professor John G. Boswell, Education, Professor Teresa M. Schwartz, Law, and Professor Robert A. Lavine, Physiology, to continue an attempt at informal reconciliation of the matter. Professor Morgan said he had been advised that the work of the Special Committee was proceeding and that hopefully the case could be resolved. Professor Morgan reported that there were three additional cases brought before the Executive Committee during the summer months - two nonconcurrence cases and one alleged violation of rights and privileges - all of which were satisfactorily settled as a result of informal action by the Executive Committee.

Professor Stevenson announced formally that the hearing regarding the matter of Professor Linda Grant De Pauw would commence on the 22nd of September, probably running for the duration of that week each afternoon, would be held in the Sixth Floor Faculty Conference Room, Lisner Hall, beginning at approximately 2:30 p.m., and that, unless matters changed, would be open to the public. Professor Morgan asked Professor Stevenson if he might want to make a suggestion to the Senate as to the meaning of the hearing being open since this was somewhat of an unpredecented situation and since the Hearing Committee would eventually report to the Senate with its recommendations which he thought would raise some obvious questions for the members of the Senate. Professor Stevenson said that the decision to declare the hearing open was taken on the theory that this was a quasi-judicial proceeding and that in our society judicial proceedings or quasi-judicial proceedings are traditionally open in order to avoid the kind of criticism that arose in England at the time of the Star Chamber proceedings. He said no reason had yet been set before the committee to alter its decision to proceed with a public hearing although the deliberations of the committee at the close of the taking of evidence would be held in secret. Dean Vaill said that he would like to add to Professor Morgan's statement concerning the three cases which were settled during the summer in that all three cases occurred in the School of Government and Business Administration and that he was the non-concurring party in all three cases. Dean Vaill said that he would like to put on record that he was quite satisfied with the manner in which those three cases were resolved and, in particular, had nothing but admiration for the way Professor Morgan represented the interests of the faculty and the Senate in those deliberations.

6 On behalf of the Executive Committee, Professor Morgan moved the nomination for membership on the various committees as presented on the agenda:

(a) Nomination for election to the following Senate Committees: Library Committee: James H. Carrington, Associate Professor of Business Administration, as replacement for Professor Lauter; Student Financial Aid Committee: Mary R. Silverman, Assistant Professor of Health Care Services, as replacement for Mr. Barry A. Cassidy; Joint Committee of Faculty and Students: Judson G. Randolph, Professor of Surgery, as replacement for Professor Sten

(b) Nomination for appointment by the President to the following: Governing Board of the Marvin Center: Kevin R. Sorem, Instructor, Health Care Services, as replacement for Mr. Barry A. Cassidy; Student Volunteer Action Council: Roderick S. French, Associate Professor of Philosophy

There were no other nominations from the floor and the entire slate was elected unanimously.

Under Brief Statements, President Elliott said that he would like to respond to Professor Wood's question in the Faculty Assembly meeting last week as to the disposition of two amendments to the Faculty Organization Plan awaiting action by the Board; the first amendment pertaining to Article I, Section 2, Structure and Powers of the Faculty Assembly, and the second amendment pertaining to Article II, Section 1, Membership of the the Faculty Assembly. The President said that the reason he did not present these amendments to the Board of Trustees for action was because at the time they came to him Section I of the new revision of the Code, which defines membership in the faculty, had not yet been completed, and he thought that it was in order to have the two documents identical in membership and, therefore, he took the responsibility of holding the two amendments in abeyance. In addition, President Elliott said that the Medical Center faculty had just completed its work on a constitution and bylaws for the organization of that faculty, and because definition of membership would differ in the new Code and Ordinances, he thought that all three documents would be brought into agreement and, consequently, he delayed forwarding the two amendments to the Faculty Organization Plan. President Elliott said if there were reasons for more urgent consideration of the amendments, he would be glad to reconsider his decision on the matter.

Professor Pierpont said that he would like to inform the Senate of some of the procedural things that occurred over the summer with respect to the medical faculty. He said that President Elliott requested Dr. Charles S. Coakley, Secretary of the Medical Faculty, to call a Special Faculty Meeting in order to elect a representative committee for recommendation and assistance to him in selecting a new vice president. Professor Pierpont said that the medical faculty followed the same procedure employed three years ago in electing the search committee for a dean and that an eleven member committee has now been elected and charged by President Elliott. Professor Pierpont said he also wanted to thank Professor Stevenson for his services as Parliamentarian at the Special Faculty Meeting and the General Faculty Meeting.

Professor Griffith said he would like to bring to the attention of the faculty and the administration the deteriorating situation of the Library Acquisitions Program by making the following statement:

> Senate Resolution 71/20 calls for an annual report of University expenditures for all the libraries as a percentage of "Education and General" expenditures of the University. In the past the Administration has presented this report in the fall, and I believe it has mainly reflected past events.
>
> I would like to express the hope that this year's report will more fully address the serious crisis in funding for library acquisitions, and give the Senate some insight into the Administration's plans to respond to this increasingly urgent problem over the next few years. Although it may be difficult to shift resources in a single year's budget, surely over a time frame of several years some progress can be made.
>
> As a measure of the seriousness of this problem in the present budget year, I wish again to put on record the situation of my own department, which I can only assume to be typical. As a result of the allocation formula adopted this year, my department is allocated for acquisitions the sum of $701.00. This department now has a backlog in excess of $2,000 worth of orders, which it cannot replace, and my best estimate based on information supplied me by the Library

is that there are approximately $4,500 worth of English-language books in Philosophy, excluding University press books and textbooks, being published annually. I do not have any figures for foreign language publications in which the department would be likely to take an interest, but I think that does give some measure of the problem--an allocation of some $700.00 and looking at $4,500 worth of text volume--and we are already a couple thousand dollars in the hole.

Professor Schiff said that, after hearing the last statements of great impact, he was reluctant to make his comments concerning two very trivial annoyances, but since they bothered him he would make them anyway. The first one, he said, had to do with the widespread practice of faculty members not letting their classes out on time which makes it difficult to set up examinations and to begin classes on time because thirty students come in late as a result of not having been released from other classes. Professor Schiff said the second annoyance was that of having to be a lackey in erasing the blackboard which his predecessor leaves covered. He said he was calling these matters to the attention of the Senate in the hope that they would be passed on to the parties concerned. Professor Wood commented that he never really knew who should clean the blackboard--whether he should clean it after his predecessor or his successor should clean it after him.

8 President Elliott adjourned the meeting upon motion made and seconded at 2:50 p.m.

Robert Gebhardtsbauer
Secretary

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

The Faculty Senate September 3, 1975

The Faculty Senate will meet on Friday, September 12, 1975, at 2:10 p.m., in the Faculty Conference Room on the sixth floor of Lisner Hall.

AGENDA

1. Call to order

2. Minutes of the regular meeting of May 2, 1975

3. Old Business:

   Reintroduction and further consideration of Resolution 73/7, A RESOLUTION APPROVING REVISIONS TO THE FACULTY CODE AND ORDINANCES, Professor Russell B. Stevenson, Jr., Chairman, Professional Ethics and Academic Freedom Committee

4. Resolutions:

   A RESOLUTION TO APPROVE THE CHARTER OF THE GEORGE WASHINGTON UNIVERSITY RESIDENCE HALL COURT (75/5), Professor John A. Morgan, Jr., Chairman, Executive Committee (resolution attached)

5. Report on the status of the following cases:

   (a) Linda Grant De Pauw, Associate Professor of American History, Department of History;

   (b) Margaret McIntyre, Professor of Education, Department of Education

   (c) Sharon Leigh Clark, Associate Professor of Human Kinetics and Leisure Studies, Department of Human Kinetics and Leisure Studies

6. General Business:

   (a) Nomination for election to the following Senate Committees: Library Committee: James H. Carrington, Associate Professor of Business Administration, as replacement for Professor Lauter; Student Financial Aid Committee: Mary R. Silverman, Assistant Professor of Health Care Services, as replacement for Mr. Barry A. Cassidy; Joint Committee of Faculty and Students: Judson G. Randolph, Professor of Surgery, as replacement for Professor Sten

   (b) Nomination for appointment by the President to the following: Governing Board of the Marvin Center: Kevin R. Sorem, Instructor, Health Care Services, as replacement for Mr. Barry A. Cassidy; Student Volunteer Action Council: Roderick S. French, Associate Professor of Philosophy

7. Brief Statements

8. Adjournment

Robert Gebhardtsbauer

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Secretary

A RESOLUTION TO APPROVE THE CHARTER OF THE GEORGE WASHINGTON UNIVERSITY RESIDENCE HALL COURT (75/5)

WHEREAS, Chapter 2, Section 212, Special Courts, of the document relating to The George Washington University Judicial System provides the following: "Such special courts of limited jurisdiction as may be required by the University, its divisions and activities, or by student organizations and activities will be established individually by the Faculty Senate by resolution approving charters for such courts. The charters of such courts will include the following: Name of the court, jurisdiction of the court, authority in the University for establishing such a court, appointment procedures for members of the court, procedure for adopting judicial procedures, statement of rights of defendants in such court, voting procedures of the court, reporting procedures on cases and appellate procedures from such court. Approval of the Committee on the Judicial System will normally be required before a request for such a court will be approved by the Executive Committee for the agenda of the Faculty Senate"; and

WHEREAS, The Committee on the Judicial System has recommended the establishment of a Residence Hall Court to replace the present Residence Hall Judicial Boards approved by the Faculty Senate in Resolutions 71/23 through 71/29 adopted February 11, 1972; now, therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate of The George Washington University approves the charter of the Residence Hall Court as recommended by the Committee on the Judicial System April 11, 1975.

Committee on the Judicial System and
Executive Committee of the Faculty Senate
August 29, 1975